

Notice of Allowability**Application No.**

09/823,376

Examiner

JASON M. BORLINGHAUS

Applicant(s)

BUTCHER, GEORGE H.

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERIT IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/10/2010.
2. ☒ The allowed claim(s) is/are 17-22, 25-33 and 36.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Jason M Borlinghaus/
Primary Examiner, Art Unit 3693

ACKNOWLEDGEMENTS

Examiner rescinds the §105 Request for Information issued on 7/7/2010. After further consideration and discussions with the attorney of record, Daniel Sheridan, the Examiner asserts that all applicable prior art has either been disclosed by the Applicant or been uncovered through prior art searches conducted by the Examiner. Therefore, the §105 Request for Information issued on 7/7/2010 is unnecessary and unwarranted.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Daniel Sheridan on 9/14/2010.

Claims 15, 34 and 35 are cancelled.

Claim 36 is added.

Claims 17-19, 21-22, 25 and 27-33 are amended as follows:

Claim 17. The method of claim ~~[[15]]~~ 36, wherein the failure of the revenue stream to cover the requirements of the repayment obligation results from a force majeure event.

Claim 18. The method of claim ~~[[15]]~~ 36, wherein the revenue stream flows from a project selected from the group consisting of: i) an airport project; and ii) a sewer project.

Claim 19. The method of claim ~~[[15]]~~ 36, wherein the ~~requirement that the bond issuer establish~~ revenue rates expected to be sufficient to ~~[[pay]]~~ repay the ~~bond~~ repayment obligation by the ~~expected payment~~ accelerated repayment date further comprises ~~the requirement that the bond issuer establish~~ revenue rates expected to be sufficient to pay both ~~[[the]]~~ a repayment obligation by the ~~expected payment~~ accelerated repayment date and legally payable debt service.

Claim 21. The method of claim 20, wherein the determinable event is the existence of a shortfall between: i) the sum of the repayment obligation and legally payable debt service; and ii) revenues raised by the revenue rates established by the bond issuer.

Claim 22. The method of claim [[15]] 36, wherein the requirement that the bond issuer establish revenue rates expected to be sufficient to [[pay]] repay the bond repayment obligation by the expected payment date is a continuing requirement even if the repayment obligation is deferred.

Claim 25. The method of claim [[15]] 36, wherein the bond is issued as part of a pool of bonds.

Claim 27. The method of claim [[15]] 36, wherein additional interest on a principal portion of the repayment obligation which is not met by the expected payment accelerated repayment date continues to accrue until the principal portion of the repayment obligation is met.

Claim 28. The method of claim [[15]] 27, wherein the additional interest is paid using a mechanism selected from the group consisting of: i) accretion of principal to the principal portion of the repayment obligation in the amount of the unpaid additional interest; ii) direct payment of the additional interest; and iii) an increase in the interest rate on any unpaid part of the principal portion of the repayment obligation calculated to result in a payment increase equal the additional interest.

Claim 29. The method of claim 28, wherein the increase in the interest rate on any unpaid part of the principal portion of the repayment obligation increases in each year following the expected payment accelerated repayment date.

Claim 30. The method of claim [[15]] 36, wherein additional interest on an interest portion of the repayment obligation which is not met by the expected payment accelerated repayment date continues to accrue until the interest portion of the repayment obligation is met.

Claim 31. The method of claim 30, wherein the additional interest is paid using a mechanism selected from the group consisting of: i) accretion of principal to a principal portion of the repayment obligation in the amount of the unpaid additional interest; ii) direct payment of the additional interest; and iii) an

increase in the interest rate on any unpaid part of the principal portion of the repayment obligation calculated to result in a payment increase equal the additional interest.

Claim 32. The method of claim 31, wherein the increase in the interest rate on any unpaid part of the principal portion of the repayment obligation increases in each year following the ~~expected payment~~ accelerated repayment date.

Claim 33. The method of claim [[15]] 36, wherein the revenue stream is a net revenue stream.

Claim 36. A method implemented by a programmed computer system, comprising:

- receiving with a computer system data regarding a bond to be issued by a bond issuer,
- wherein the bond is associated with a revenue stream, and
- wherein the received data includes a legal maturity date for the bond, an accelerated repayment date that precedes the legal maturity date, and a revenue rate expected to be generated by the revenue stream by the accelerated repayment date;

- calculating with the computer system the amount of the bond to be issued such that the revenue rate expected by the accelerated repayment date is sufficient to repay the bond by the accelerated repayment date and the amount of the bond to be issued also satisfies a first coverage ratio associated with repayment of the bond by the accelerated repayment date,

- wherein the first coverage ratio is (i) lower than a second coverage ratio associated with repayment of the bond solely by the legal maturity date, and (ii) greater than 1 and up to 1.2, and

- wherein the payment of the bond is at a deferral date as late as the legal maturity date to the extent that the repayment of the bond cannot be met by the accelerated repayment date due to the failure of the revenue stream to generate the revenue rate expected, and wherein the deferral is based at least in part upon the data regarding the legal maturity date and the revenue stream; and
- instructing an issuance of the bond based on the calculated amount to be issued.

ALLOWABLE SUBJECT MATTER

Claims 17-22, 25-33 and 36 are allowed.

REASONS FOR ALLOWANCE

The following is a statement of reasons for indication of allowable subject matter. The prior art fails to teach or suggest the limitations of:

"calculating with the computer system the amount of the bond to be issued such that the revenue rate expected by the accelerated repayment date is sufficient to repay the bond by the accelerated repayment date and the amount of the bond to be issued also satisfies a first coverage ratio associated with repayment of the bond by the accelerated repayment date, wherein the first coverage ratio is (i) lower than a second coverage ratio associated with repayment of the bond solely by the legal maturity date, and (ii) greater than 1 and up to 1.2" (as in Claim 36).

It is old and well known in the art for a bond issuer to only issue bonds when the bond issuer has reason to believe that the bond issuer will be able to repay bond holders at a future point.

The instant application distinguishes from these old and well known practices by only issuing a bond when it is calculated that bond repayment can be accomplished by an accelerated repayment date which precedes the legal maturity date of the bond (i.e. the traditional bond repayment date) and satisfies a specific coverage ratio.

Bachman (US Patent 6,315,196) discloses a method/system for deferring repayment of a debt (credit card debt) based upon an inability to repay the debt by the standard repayment date. (see abstract). Neither this patent, alone nor in combination with others, discloses or suggests the feature of issuing a bond when it is calculated that bond repayment can be accomplished by an accelerated repayment date which precedes the legal maturity date of the bond (i.e. the traditional bond repayment date) and satisfies a specific coverage ratio.

Bachman (US Patent 6,315,196) discloses a method/system for deferring repayment of a debt (credit card debt) based upon an inability to repay the debt by the standard repayment date. (see abstract). Neither this patent, alone nor in combination with others, discloses or suggests the feature of issuing a bond when it is calculated that bond repayment can be accomplished by an accelerated repayment date which precedes the legal maturity date of the bond (i.e. the traditional bond repayment date) and satisfies a specific coverage ratio.

Grigsby (US PG Pub 2002/0016758) discloses a method/system for establishing a repayment schedule for a bond. (see abstract; para. 13; para. 61). Neither this patent publication, alone nor in combination with others, discloses or suggests the feature of issuing a bond when it is calculated that bond repayment can be accomplished by an accelerated repayment date which precedes the legal maturity date of the bond (i.e. the traditional bond repayment date) and satisfies a specific coverage ratio.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

CONCLUSION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON M. BORLINGHAUS whose telephone number is (571)272-6924. The examiner can normally be reached on Monday - Friday; 9am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James A. Kramer can be reached on (571)272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason M Borlinghaus/
Primary Examiner, Art Unit 3693
September 21, 2010